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FOREIGN SERVICE DESPATCH

1052

DESP. NO.

March 11, 1960

DATE

FROM : AmEmbassy Mexico D.F.

TO : THE DEPARTMENT OF STATE, WASHINGTON.

REF : Embassy Telegram No. 2173

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	3-19-60	CIA-10 USIA-10 TR-3 COM-10 IN-7 NAVY-3

SUBJECT: Mexican Statement on Law of the Sea Conference

There is enclosed for the information of the Department an English translation of a statement released on March 10, 1960 by the Mexican Ministry of Foreign Relations concerning the forthcoming Second Conference on the Law of the Sea at Geneva.

The statement announces that the Mexican delegation will push the same formula which it advocated at the First Conference, namely a flexible three to twelve mile limit at the option of each coastal state. However, the statement also announces that the delegation will be conciliatory and disposed to cooperate loyally with other states in the hope of reaching a common accord.

For the Ambassador:

Joseph J. Montllor
First Secretary of Embassy

atlmw
Enclosure: Translation of Mexican Statement

J. Montllor/ds
REPORTER

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Encl. No. 1
Desp. No. 1052
From Mexico D.F.UNOFFICIAL TRANSLATIONSTATEMENT RELEASED BY MEXICAN FOREIGN MINISTRY ON SECOND LAW OF THE SEA CONFERENCE

The Second United Nations Conference on the Law of the Sea which will open on the 17th of the present month in the city of Geneva has been convoked, in conformity with the terms of a resolution adopted by the General Assembly of the United Nations in December, 1958, "with the object of examining again the questions of the width of the territorial sea and the limits of fisheries" on which it was not possible to reach an agreement at the First Conference celebrated two years ago.

All the member states of the United Nations, which at present are 82, and the states that without being members of the world organization are members of its Specialized Agencies and whose number reaches seven, have been invited to participate in the Conference. Consequently, if all these states are represented in Geneva, 89 delegations will attend the international meeting which is approaching.

The matters that the Conference will treat are of utmost importance for all new countries or those in the process of development which, like Mexico --whose coastlines, as is known, have an extension of 10,000 kilometers -- see in the exploitation of their maritime resources an essential element for the raising of the living standard of their peoples. It should not be forgotten that the territorial sea is subject to the sovereignty of the coastal state which, therefore, has over it essential rights analogous to those that the state has over its own territory; included, naturally, among such rights are those of the use and exclusive appropriation of its natural resources.

It is not surprising, therefore, that the question of the width of the territorial sea has been in the course of history the most controversial of the very many which concern that field of Public International Law known by the name of the Law of the Sea. It is worthwhile recalling that up to now it has never been possible to codify that width, that is, to fix it in a treaty or a convention of general character.

The First Conference at Geneva demonstrated to satiety with its debates, with the proposals submitted to it and with the results of its votes, that there not only does not exist the so-called "Rule of Three Miles", but also that the distance of six miles is considered insufficient by the great majority of the states.

The Government of Mexico holds the conviction that the flexible formula which its delegation defended in the First Conference at Geneva, and which it has defended in various other international forums, namely, one which recognizes for each state the right to fix the width of its territorial sea up to the maximum limit of twelve maritime miles, is reasonable and is the most fitted one by which to attain the aims that are sought, because this formula is the only one among those known up to now which faithfully reflects the facts as they

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Page 1 of 1

Encl. No. 1

Desp. No. 1052

From Mexico D.F.

regulations

exist in the laws and ~~negotiations~~ of the coastal states of the world and the only one which, therefore, offers probabilities that an agreement freely arrived at may be reached.

In effect, the formula in question is based on that which can be called "The current common law rule of international law", which is the only one in existence concerning this matter, for, as has already been said, there does not exist any international contractual rule in this respect.

The synoptic table of the prevailing rules and regulations which was prepared in the First Conference of Geneva on the initiative of the delegation of Mexico is very illuminating in this connection, since it shows that more than three-fourths of the coastal states of the world have fixed in their legislation, or have announced the intention of so doing, a width for their territorial sea which in the majority of the cases varies between 6 and 12 miles.

Furthermore, the very Commission of International Law of the United Nations, in the report which it submitted to the First Conference, implicitly recognized that any width of the territorial sea not in excess of 12 miles is authorized by international law, because in a positive sense, no other interpretation is possible of the negative proposition of paragraph 2 of Article 3 relative to "width of the territorial sea" approved by the Commission. That paragraph declares that: "The Commission considers that international law does not authorize the territorial sea to be extended beyond 12 miles."

Consequently, the delegation of Mexico to the Second Conference has received instructions to defend the adoption of a proposal which it will present and which will be essentially identical to that which our country presented at the previous Conference, together with seven other states of three different continents. The delegation will act in a conciliatory and constructive spirit, disposed to give proof of the greatest flexibility in all that which does not affect the sovereignty and that which the Government of Mexico considers the inalienable rights of the Mexican nation. In brief, it will be disposed to cooperate loyally with all the other participating states for the conclusion of an agreement that may receive general acceptance, but always having in mind the duty of all Mexicans which the President of the Republic don Adolfo López Mateos, in his message on the occasion of the Day of the Navy last year, defined as the duty to "preserve with alert zeal the untouchable sovereignty of their territorial sea."

Mexico, D.F., March 10, 1960

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